

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED

**LEE** AUG 30 2000

Michael M. Milby, Clerk of Court

ALBERT CHARLES THIELEMAN )

)

VERSUS

)

CIVIL ACTION

)

**NO. 00-3008**

THE DOW CHEMICAL COMPANY )

C/O MR. TOMMY BLOCK )

MIDLAND, MICHIGAN 48677 )

AND

)

PRICE WATERHOUSE COOPER )

C/O MR. JAMES SCHIRO )

1177 AVENUE OF THE AMERICAS )

NEW YORK CITY, N.Y. 10036 )

)

ORIGINAL COMPLAINT

ALBERT CHARLES THIELEMAN, PLAINTIFF  
COMPLAINS AGAINST THE DOW CHEMICAL  
COMPANY AND PRICE WATERHOUSE COOPER  
AS FOLLOWS AND WILL SHOW THE  
FOLLOWING:



PRICE WATERHOUSE, TO THE AMERICANS

NEW YORK, N.Y.

II

WAS FAILED BY BERT CHARLES THIELEMAN,  
IN RECEIVED THE CORRECT  
PLAINTIFFS DOW SAVINGS  
SPECIFICALLY IN THE DIVIDEND RE-INVESTMENT  
1999 PLAINTIFFS THE SAVINGS PLAN.  
INCREASED ONLY 2.7 SHARES OF DOW STOCK  
SHARES, PLAINTIFF



I.

PLAINTIFF IS AN INDIVIDUAL RESIDING  
AT 8568 HILBOLDT RD. CAT SPRING, TX  
78933, PHONE 979-885-0363.

DEFENDANTS ARE:

- A) THE DOW CHEMICAL COMPANY C/O  
MR. TOMMY BLOCK, MIDLAND, MICHIGAN 48674.  
MR. TOMMY BLOCK ALSO HAS A MAILING ADDRESS  
OF 2301 NORTH BRAZOSPORT BLVD,  
FREEPORT, TX 77541. PHONE 979-238-1778.
- B) PRICE WATERHOUSE COOPER, C/O MR. JAMES  
SCHIRO, 1177 AVENUE OF THE AMERICAS,  
NEW YORK CITY, N.Y. 10036.

II

HAS FAILED TO RECEIVED THE CORRECT  
CHECK IN PLAINTIFF'S DOW SAVINGS  
PLAN UNDER THE DIVIDEND RE-INVESTMENT  
SPECIFICALLY IN THE SAVINGS PLAN.  
OF 1999 PLAINTIFF'S SHARE OF DOW STOCK  
INCREASED ONLY 2.7 SHARES, PLAINTIFF



SHARES OF DOW STOCK SHOULD HAVE INCREASED BY 10 TO 12 SHARES IN HIS SAVING PLAN BASED ON THE DIVIDENDS PAID DURING THE SECOND QUARTER. SEE EXHIBIT A ATTACHED.

PLAINTIFF'S DOW STOCK INCREASES IN HIS DOW SAVINGS PLAN WAS INCORRECT IN OTHER QUARTERS BUT BY A SMALLER DIFFERENCE.

### III

IT APPEARS FROM INFORMATION FURNISHED TO PLAINTIFF BY THE DOW CHEMICAL COMPANY'S CHAIRMAN OF THE DOW RETIREMENT BOARD, MR. TOMMY BLOCK, THAT IT IS THEIR PRACTICE TO CREDIT THE ACCOUNTS IN THE DOW SAVING PLAN ON THE DATE THE DIVIDEND ARE DECLARED AND NOT ON THE DATE (WHICH IS LATER) THAT THE ACTUAL DIVIDENDS ARE PAID TO OTHER OWNERS AS AN EXAMPLE:

IF ONE OWNS DOW STOCK IN PER SHARE DIVIDEND IS DECLARED DEC. 31, 1999 PAYABLE ON JAN 28, 2000 THIS DIVIDEND IS PUT THE DOW SAVING



ACCOUNT ON DEC 31, 1999 OR JAN 1, 2000.  
IF THIS SAME STOCK IS IN A CHARLES  
SCHWAB ACCOUNT THE DIVIDEND IS  
NOT PAID OR AVAILABLE UNTIL JAN 28,  
2000.

SINCE MOST IF NOT ALL OF THE DOW  
STOCK IN DOW SAVINGS ACCOUNTS IS  
OWNED BY DOW MANAGERS, SUPERVISORS,  
DOW EMPLOYEES, AND DOW RETIREES  
THIS PRACTICE BENEFITS THESE DOW  
PEOPLE IN THAT THEIR ACCOUNTS ARE  
CREDITED WITH THE DIVIDEND MONEY  
SOONER. DOW INSIDERS BENEFITING!!!

PLAINTIFF HAS DOW STOCK IN TWO  
ACCOUNTS AT CHARLES SCHWAB, ONE  
AN IRA TYPE ACCOUNT TRANSFERRED  
FROM PLAINTIFF'S DOW SAVING ACCOUNT  
BECAUSE OF THE DIVIDENDS RE-INVESTMENT  
PROBLEMS AND ONE JUST ORDINARY  
ACCOUNT WHICH PLAINTIFF HAS HAD  
WITH CHARLES SCHWAB FOR A NUMBER  
OF YEARS.



#### IV

PLAINTIFF REQUESTS THAT THE DEFENDANTS - THE DOW CHEMICAL COMPANY AND PRICE WATERHOUS COOPER FURNISH PLAINTIFF WITH THE FOLLOWING FOR PERIOD FROM JUNE 1998 TO JUNE 2000:

A) DATES AND AMOUNT OF EACH DIVIDEND DECLARED BY THE DOW CHEMICAL CHEMICAL ON ITS STOCK,

B) DATES EACH DIVIDEND WAS PAYABLE,

C) CHARGES FOR MAINTAINING PLAINTIFFS ACCOUNT IN HIS DOW SAVINGS ACCOUNT,

PLAINTIFF ALSO REQUEST THAT DEFENDANTS PURCHASE FOR PLAINTIFF SHARES OF DOW STOCK BASED ON THE DIFFERENCE OF WHAT PLAINTIFF WOULD HAVE RECEIVED HAD THE DOW STOCK DIVIDEND RE-INVESTMENT BEEN DONE IN A NORMALLY ACCEPTED MANNER AND THE MANNER THAT PRICE WATERHOUSE COOPER AND THE DOW CHEMICAL COMPANY DID THE DIVIDEND RE-INVESTMENT AND HANDLING OF PLAINTIFF ACCOUNT IN THE DOW SAVINGS PLAN.



IV

PLAINTIFF REQUESTS THAT THE PRACTICE OF PAYMENT OF DOW STOCK DIVIDENDS BE UNIFORM TO ALL ACCOUNTS OF DOW STOCK. IF DOW CHEMICAL COMPANY WISHES TO PAY TO THE ACCOUNTS OF DOW STOCK HELD BY DOW EMPLOYEES AND RETIREES IN THE DOW SAVING PLAN ON THE DATE DIVIDEND IS DECLARED THEN ON SAME DATE PAY THE DIVIDEND TO ALL OWNERS OF DOW STOCK IRRESPECTLESS OF HOW THE STOCK IS HELD, TO CREDIT THE DOW EMPLOYEES AND DOW RETIREES ACCOUNTS IN THE SAVING PLAN SOONER THAN OTHERS VIOLATES THE SECURITIES AND EXCHANGE COMMISSION RULES AND REGULATION AS RELATES TO INSIDER TRADING.

V

PLAINTIFF REQUESTS THAT THIS MATTER BE HEARD AND DECIDED BY A JURY.



III

IT SHOULD NOTED THAT PLAINTIFF HAS TRIED TO RESOLVE THIS DISPUTE WITH DOW AND PRICE WATERHOUSE COOPER FOR NEARLY A YEAR. NEITHER DOW OR PRICE WATERHOUSE COOPER SEEM TO EVEN UNDERSTAND THE QUESTION AS TO WHAT HAPPENED TO THE STOCK I SHOULD HAVE RECEIVED OR MAKE ANY EFFORT TO DISCUSS WITH ME MY QUESTIONS AS RELATES TO NOT RECEIVING THE NORMAL DOW STOCK FROM DIVIDENDS RE-INVESTED.

RESPECTFULLY SUBMITTED,  
Albert Charles Thielemann  
ALBERT CHARLES THELEMAN  
8568 HILLBOLDT RD.  
CAT SPRING, TX 78933  
PHONE 979-885-0363



**Loan Summary**

Opening Balance	\$	0.00
New Loans	\$	0.00
Loan Principal Repayments	\$	0.00
Closing Balance	\$	0.00

**Account Summary From Participation Date**

Payroll Deferrals	\$	15,246.13
Dow Company Contributions	\$	20,067.18
ESOP Contributions	\$	0.00
Investment Experience	\$	170,647.85
Closing Balance	\$	205,961.16

**Equivalent Share Balances As Of 03/31/99**

Dow Common Stock Fund	1,561.805499
ESOP Fund	0.000000

1564.503366  
 - 1561.805499  
 -----  
 2.697867  
 WAREHOUSE

**Fund Performance**

Funds                      Past 3 Months                      Past 12 Months                      Past 5 Years (Average)

U.S. Treasury	1.09%	5.00%	4.84%
Interest Income	1.53%	6.64%	7.26%
30/70 Balanced	-1.18%	5.03%	N/A
60/40 Balanced	5.01%	10.41%	N/A
International Bond	-5.32%	12.13%	N/A
Equity Income	-.59%	.71%	N/A
Index Equity	4.92%	18.48%	26.26%
International Stock	1.26%	3.60%	9.68%
Growth Equity	-3.12%	-10.79%	14.51%
Dow Stock	3.35%	-.63%	9.16%

The IRS maximum salary deferral for 1999 is \$10,000.00. If you have any questions in reference to this statement, you can contact the Dow Savings Plan Processing Center at 1-800-358-0041 or access the Dow Savings Plan online Web site at [www.2benefitsweb.com/dow.html](http://www.2benefitsweb.com/dow.html).

EXHIBIT A Page 1 of 2



PRICE WATER COOPER  
HOUSE  
P.O. 420, LITTLE FALLS

JOHN ALLE

107 07424

## Loan Summary

Opening Balance	\$	0.00
New Loans	\$	0.00
Loan Principal Repayments	\$	0.00
Closing Balance	\$	0.00

## Account Summary From Participation Date

Payroll Deferrals	\$	15,246.13
Dow Company Contributions	\$	20,067.18
ESOP Contributions	\$	0.00
Investment Experience	\$	224,525.13
Closing Balance	\$	259,838.44

## Equivalent Share Balances As Of 06/30/99

Dow Common Stock Fund	1,564.503566
ESOP Fund	0.000000

3/31/99 ——— 1,564.503566  
2.695007 = 4,208.54

## Fund Performance

Funds	Past 3 Months	Past 12 Months	Past 5 Years (Average)
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U.S. Treasury	1.13%	4.83%	4.90%
Interest Income	1.53%	6.48%	7.17%
30/70 Balanced	3.30%	7.28%	N/A
60/40 Balanced	5.74%	15.01%	N/A
International Bond	-3.42%	5.75%	N/A
Equity Income	13.25%	15.68%	N/A
Index Equity	7.00%	22.75%	27.86%
International Stock	2.91%	6.48%	9.95%
Growth Equity	16.77%	7.92%	19.36%
Dow Stock	36.41%	35.25%	14.18%

The IRS maximum salary deferral for 1999 is \$10,000.00. If you have any questions in reference to this statement, you can contact the Dow Savings Plan Processing Center at 1-800-358-0041 or access the Dow Savings Plan online Web site at [www.2benefitsweb.com/dow.html](http://www.2benefitsweb.com/dow.html).

SHARES OF 1,564  
DOW STOCK 3.48  
DIVIDEND 12512  
6256  
4692  
14372

\* 1360 / QUARTER OR APPROX  
4,5442 10 TO 12  
14  
12  
24  
24  
EXHIBIT A SHARES  
PAGE 2 OF 2



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ABOVE ALONG WITH NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS (FORMS 1A/12/1/93 AND FORM 1B/12/1/93) WILL BE SENT TO THE DOW CHEMICAL COMPANY C/O MR. TOMMY BLOCK, MIDLAND, MICHIGAN 48672 AND PRICE WATERHOUSE COOPER C/O MR. JAMES SCHIRO, 1177 AVENUE OF THE AMERICAS, NEW YORK CITY, N.Y. 10036 ON 31ST DAY OF AUGUST, 2000 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

Albert Charles Thielmann

ALBERT CHARLES THIELEMAN

CC. MR. MARK J. OBERT I - SEYFARTH SMITH  
(PREVIOUS ATTORNEY FOR DOW)  
700 LOUISIANA STREET SUITE 3100  
HOUSTON TX 77002-2731